

FORM PTO 1390  
(REV 5-93)

US DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER  
2005-1139ATRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. §371U.S. APPLICATION NO.  
(if known, see 37 CFR 1.55)  
NEW **10/542652**International Application No.  
PCT/JP2004/009495International Filing Date  
June 29, 2004Priority Date Claimed  
June 30, 2003Title of Invention  
OPTICAL PACKET EXCHANGERApplicant(s) For DO/EO/US  
Toru SHIOZAKI and Masaru FUSE

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. §371(c)(2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau). **ATTACHMENT A**
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. §371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19.
9. ☒ An (EXECUTED) oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)). **ATTACHMENT B**
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

Items 11. to 14. below concern other document(s) or information included:


11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. **ATTACHMENT C**
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

**ATTACHMENT D**

13. ☒ A **FIRST** preliminary amendment. **ATTACHMENT E**  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.

14. ☒ Other items or information:

Submission of Formal Replacement Drawing - **ATTACHMENT F**Written Opinion of the International Searching Authority - **ATTACHMENT G**Notification Concerning Submission or Transmittal of Priority Document - **ATTACHMENT H**THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

|   |              |  |   |                                     |              |
|---|--------------|--|---|-------------------------------------|--------------|
| U.S. APPLICATION NO. <b>10/542652</b><br>NEW  |              | INTERNATIONAL APPLICATION NO.<br>PCT/JP2004/009495 |   | ATTORNEY'S DOCKET NO.<br>2005-1139A |              |
| 15. <input checked="" type="checkbox"/> The following fees are submitted  |              |  |   | CALCULATIONS                        | PTO USE ONLY |
| Basic National Stage Fee ..... \$300.00<br>National Stage Search Fee ..... \$400.00<br>National Stage Examination Fee ..... \$200.00<br>Specification/drawings in excess of 100 pages (units of 50 x \$250.00) = ..... \$ |              |  |   |                                     |              |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>   |              |  |   | \$900.00                            |              |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).                         |              |  |   | \$                                  |              |
| Claims  | Number Filed | Number Extra                                       | Rate  |                                     |              |
| Total Claims  | 20 -20 =     |  | X \$50.00   | \$                                  |              |
| Independent Claims  | 2 - 3 =      |  | X \$200.00  | \$                                  |              |
| Multiple dependent claim(s) (if applicable)   |              |  | + \$360.00  | \$                                  |              |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |  |   | \$900.00                            |              |
| <input type="checkbox"/> Small Entity Status is hereby asserted. Above fees are reduced by 1/2.   |              |  |   | \$                                  |              |
| <b>SUBTOTAL =</b>   |              |  |   | \$900.00                            |              |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).                    |              |  |   | + \$                                |              |
| <b>TOTAL NATIONAL FEE =</b>   |              |  |   | \$900.00                            |              |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +   |              |  |   | \$40.00                             |              |
| <b>TOTAL FEES ENCLOSED =</b>  |              |  |   | \$900.00                            |              |
|   |              |  |   | Amount to be refunded               | \$           |
|   |              |  |   | Amount to be charged                | \$           |
| a. <input checked="" type="checkbox"/> A check in the amount of <del>\$940.00</del> to cover the above fees is enclosed. A duplicate copy of this form is enclosed.   |              |  |   |                                     |              |
| b. <input type="checkbox"/> Please charge my Deposit Account No. 23-0975 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.  |              |  |   |                                     |              |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-0975</u> .                       |              |  |   |                                     |              |
| <b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>          |              |  |   |                                     |              |
| 19. CORRESPONDENCE ADDRESS<br><br><br><div style="text-align: center;">           CUSTOMER NO.<br/> <b>000513</b> </div>  |              |  | <div style="text-align: center;"> <br/>           Nils E. Pedersen,<br/>           Registration No. 33,145         </div> <div style="text-align: center;"> <b>WENDEROTH, LIND &amp; PONACK, L.L.P.</b><br/>           2033 "K" Street, N.W., Suite 800<br/>           Washington, D.C. 20006-1021<br/>           Phone: (202) 721-8200<br/>           Fax: (202) 721-8250         </div> |                                     |              |
| July 19, 2005   |              |  |   |                                     |              |

[CHECK NO. 69323]